#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS LAREDO DIVISION

Juan Castillo	§	
	§	
Plaintiff,	§	
	§	
	§	Case No. 5:18-cv-00041
v.	§	
	§	
	§	
JLG Industries, Inc., Oshkosh Corporation and	§	
Jorge Estrada	§	
	§	
	§	
Defendants	§	

# PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION TO COMPEL DEPOSITIONS

Plaintiff Juan Castillo asks the court to issue an order compelling the depositions of Jorge Estrada, Juan Garcia and all the employees and other present the day the day Juan Estrada was injured.

1. On February 15, 2019, Plaintiff requested via email the depositions of Jorge Estrada, Juan Garcia and all the employees and others present the day the day Juan Estrada was injured. Defendants ignored it without response. See Exhibit 1, attached. On March 28, 2019, Plaintiff again requested these depositions. *Id.* Again, there was no response. 2. On March 31, 2019, Plaintiff issued a notice of deposition for Jorge Estrada and Juan Garcia to be taken on April 24, 2019 at 9 am and 1 pm respectively. See Exhibit 2. Plaintiff was forced to unliterally issue the notice because defendants refused to provide dates for the deposition. Defendants had not requested dates for any depositions.

- 3. Defendants refused to produce their witnesses for depositions and have insisted that that Plaintiff's deposition must now be taken first, even though they had never asked for it before.
- 4. Discovery may be obtained about any matter that is not privileged and that is both relevant to any party's claim or defense and proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1). These witnesses are necessary to designate experts and prepare for trial. Discovery is ongoing.
- 5. Generally, the person noticing the deposition selects the time and place of the deposition. Federal Rule of Civil Procedure 30(b)(1). Since the witnesses who are in the custody and control of Defendant, justice requires that they be compelled to account and be questioned on their knowledge of the underlying facts.

For these reasons, Plaintiffs asks the Court to compel the depositions of Jorge Estrada, Juan Garcia and all of the employees and other present the day the day Juan Estrada was injured on a date and time certain in Laredo, Texas on date to occur before the deposition of Plaintiff as Plaintiff have been seeking these depositions since February 15, 2019. Plaintiff asks the court to grant further to relief to Plaintiff as justice requires.

Respectfully submitted,

BY: /s/ Ronald Rodriguez
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Attorneys for Plaintiff

## **CERTIFICATE OF SERVICE**

The preceding document was served on counsel of record through the court's electronic document management system on this May 7, 2019.

/s/ Ronald Rodriguez Ronald Rodriguez

## **CERTIFICATE OF CONFERENCE**

I certified that I conferred with defendants' counsel to schedule the depositions and resolve this matter without court intervention, but an agreement could not be reached.

/s/ Ronald Rodriguez Ronald Rodriguez

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Plaintiff,	§	
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JLG Industries, Inc., Oshkosh Corporation and	§	
Jorge Estrada	§	
	§	
	§	
Defendants	§	

## **ORDER**

After considering Plaintiff's Motion to Compel Depositions, Defendants' Motion the Court compel the depositions of Jorge Estrada, Juan Garcia and all the employees and other present the day the day Juan Estrada was injured on a date and time certain in Laredo, Texas on date to occur before the deposition of Plaintiff.

So ordered.	
SIGNED on this day of	, 2019.
	PRESIDING JUDGE